

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASIA

UNITED STATES OF AMERICA,	)	
	)	CASE NO. 8:13CR00108
Plaintiff,	)	
	)	
vs.	)	<b>STIPULATION ON</b>
	)	<b>STANDING</b>
KIRK COTTOM,	)	
	)	
Defendant.	)	

Come now the parties, plaintiff United States of America, by its counsel of record Assistant U.S. Attorney Michael P. Norris, Department of Justice Trial Attorneys Keith Becker and Sarah Chang, and Defendant Kirk Cottom, by his court appointed counsel of record, Joseph F. Gross, Jr., and proffer the following Stipulation on Standing to the Court.

For the limited purpose of certain pending motions to suppress resulting from the court/warrant authorized deployment of a network investigative technique (NIT), the parties agree and stipulate as follows:

1. The court may assume that the court/warrant authorized deployment of the pertinent network investigative technique effected a Fourth Amendment search on an activating computer;
2. At the time the NIT effected a search, each defendant owned an activating computer which was located in the Defendant's residence;
3. The Government will not object to a defendant's claim of standing under the Fourth Amendment to challenge the execution of the pertinent NIT warrant;

4. Standing, as used in this stipulation, is understood and agreed to be a defendant's claim to a reasonable expectation of privacy in an area searched.

The parties do not stipulate and agree regarding the question of whether any defendant has/had a reasonable expectation of privacy in the information collected pursuant to use of the NIT.

UNITED STATES OF AMERICA  
Plaintiff,

KIRK COTTOM, Defendant

/s/ Michael P. Norris

/s/ Keith Becker

Michael P. Norris, Assistant U.S. Attorney  
Keith Becker, U.S. Dept. of Justice  
Trial Attorney

/s/ Joseph F. Gross, Jr.

### **CERTIFICATE OF SERVICE**

I, Joseph F. Gross, Jr., hereby certify that a copy of the Stipulation on Standing was served on the parties on March 6, 2014 via the Court's ECF system:

Michael P. Norris  
U.S. Attorney's Office – Omaha  
[Michael.norris@usdoj.gov](mailto:Michael.norris@usdoj.gov)

Keith A. Becker  
U.S. Department of Justice  
Child Exploitation Section  
[Keith.Becker@usdoj.gov](mailto:Keith.Becker@usdoj.gov)

Sarah Chang  
U.S. Department of Justice  
[sarah.chang@usdoj.gov](mailto:sarah.chang@usdoj.gov)

Julie A. Frank  
[jfrank1@cox.net](mailto:jfrank1@cox.net)

Stephen M. Misko  
[pennlawllc@gmail.com](mailto:pennlawllc@gmail.com)

I further certify that a copy of the foregoing Stipulation on Standing Under Fourth Amendment was served on the parties on March 6, 2014 via electronic mail:

Stuart Dornan  
[stu@dltlawyers.com](mailto:stu@dltlawyers.com)

Joshua Rydell  
[rydellj@gmail.com](mailto:rydellj@gmail.com)

Joseph Howard  
[jhoward@dltlawyers.com](mailto:jhoward@dltlawyers.com)

Jerry Hug  
[jmhug@cox.net](mailto:jmhug@cox.net)

James J. Regan  
[jr@jreganlaw.com](mailto:jr@jreganlaw.com)

Woody Bradford  
[wbradford@bradfordcoenen.com](mailto:wbradford@bradfordcoenen.com)

Wesley S. Dodge  
[wesdodge@wesdodgelaw.com](mailto:wesdodge@wesdodgelaw.com)

Mark Bubak  
[bubaklaw@me.com](mailto:bubaklaw@me.com)

Glen Shapiro  
[sgnomercy@yahoo.com](mailto:sgnomercy@yahoo.com)

JasonEichmann  
[jeichmann@bradfordcoenen.com](mailto:jeichmann@bradfordcoenen.com)

/s/ Joseph F. Gross, Jr. \_\_\_\_\_